

12-19-02
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**IN THE UNITED STATES DISTRICT COURT
 FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**NORTHLAND INSURANCE
 COMPANY,**

Plaintiff,

v.

**LINCOLN GENERAL INSURANCE
 COMPANY, et al.,**

Defendants.

**LINCOLN GENERAL
 INSURANCE COMPANY,**

Third Party Plaintiff,

v.

**WOOLEVER BROTHERS
 TRANSPORTATION INC.,**

Third Party Defendant.

CIVIL ACTION NO.

1:CV-01-0763

(Judge Kane)

**FILED
 HARRISBURG**

DEC 19 2002

MARY ELLEN ... CLERK
 [Signature]

ORDER

On October 2, 2001, Defendant Woolever Brothers Transportation Inc. ("Woolever") filed a counterclaim against Lincoln General Insurance Company alleging defamation, slander, libel, and bad faith. (Doc. No. 10). Since filing the counterclaim, Woolever has failed to submit a pretrial memorandum as required by order of this Court dated September 17, 2002 (Doc. No. 42). Moreover, Woolever failed to attend the pretrial conference held December 18, 2002 in violation of this Court's order and local rule 16.2. It appears, therefore, that Woolever has abandoned its counterclaim.

Accordingly, **IT IS ORDERED** that **WOOLEVER SHALL SHOW CAUSE**, no later than January 9, 2003, why the counterclaim against Lincoln General Insurance Company shall not be dismissed for failure to prosecute. Failure to show cause by that date will result in the dismissal of the counterclaim.

A handwritten signature in black ink, appearing to read "Yvette Kane", written over a horizontal line.

Yvette Kane
United States District Judge

Date: 12/19, 2002